



PATENT

Attorney Docket № 97-0506D1.1 (P1236US14)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James L. Kroening, et al.  
Serial № : 09/754,739  
Filed : January 4, 2001  
Group Art Unit : 2124  
Examiner : Roche, Trenton J.  
For : METHOD FOR CONFIGURING SOFTWARE FOR A BUILD TO ORDER SYSTEM

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBLIGATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. 1.321(c))**

---

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8)**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

[X] deposited with the United States Postal Service with sufficient postage as first class mail in an envelope address to the MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**FACSIMILE**

[ ] transmitted by facsimile to the Patent and Trademark Office.

Michele D. Norine

Michele D. Norine

DATED: December 13, 2004

---

Identification of Person(s) Making This Disclaimer

I, Kevin E. West, represent that I am the attorney of record.

Identity of Assignee

The assignee is Gateway, Inc., of 610 Gateway Drive, P.O. Box 2000, MS Y04, N. Sioux City, SD, 57049.

The assignment was recorded in the assignment records of the Patent and Trademark Office as Reel 011432 , Frame 0739 on January 4, 2001.

Extent of Disclaimant's Interest

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

Disclaimer

The terminal part of the statutory term of any patent granted on the above-identified application or the above-identified patent that is subject to re-examination, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection, United States Patent No. 6,775,829, as presently shortened by any terminal disclaimer, is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,775,829. This agreement is to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection, United States Patent No. 6,775,829, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Fee Status (37 C.F.R. 1.20(d))

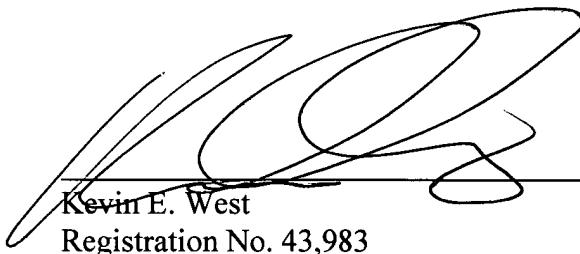
Other than small entity - fee \$130.00

Small entity - fee \$65.00

Fee Payment

The Commissioner is authorized to charge Deposit Account №50-0439 for the amount of **\$130.00**. While it is believed that no additional extension of time or any other additional fees are necessary, the Commissioner is hereby authorized to grant any needed extension of time and to charge any additional fees which may be required for this Terminal Disclaimer, or credit any overpayment to Deposit Account № 50-0439. A copy of this Terminal Disclaimer is enclosed for accounting purposes.

DATED: December 13, 2004



Kevin E. West  
Registration No. 43,983

Please address all correspondence  
and direct all telephone calls to:

**CUSTOMER NO. 23531**

KEVIN E. WEST

SUTTER • WEST PC LLO

14301 FNB PARKWAY, SUITE 220

OMAHA NE 68154-5299

(402) 496-0300 (TELEPHONE)

(402) 496-0333 (TELECOPIER)